

**In the Matter Of:**

**JAY NELSON, et al**

VS

**FOREST RIVER, INC., and DOES 1-25**

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**LEO AKINS**

February 18, 2025

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**Exhibit 3**

1     **A**     We -- up until recently, we haven't had a legal, quote  
2             unquote, formal department.

3     **Q**     And before that, external?

4     **A**     **External.**

5     **Q**     And what role or responsibility did your jobs include  
6             that necessitated you communicating with the outside  
7             attorneys?

8                     MR. HAYDEN: Answer that only if you can answer  
9             it without disclosing any attorney/client privileged  
10            communication.

11    **A**     If you could rephrase the question so I could give as  
12             accurate of an answer as possible?

13    **Q**     (BY MR. TURNER) Sure. I'm just trying to determine  
14             during what periods of time your job at Forest River  
15             necessitated you communicating with outside lawyers --  
16             I'm not asking you to tell me the substance of the  
17             communications, but just did you have a role or  
18             responsibility to do that?

19    **A**     Yeah -- okay. Yeah, I -- I would communicate with them.  
20             Whenever there was things that were of -- beyond my  
21             knowledge or understanding, we would get counsel.

22    **Q**     Fair enough. Now, as I understand from reviewing some  
23             background information about you off the Internet, you  
24             have attended something called Goshen College?

25    **A**     **Yes.**

1 I wanted to know how the charge lines were being wired in  
2 fifth wheel facilities.

3 Q I got it. In other words, the Complaint triggered this  
4 specific issue about the charge lines?

5 A Yes, sir. Yes, sir.

6 Q Okay. Now, have you reviewed the documents given to us  
7 relating to the 2022 inspection?

8 A 2022 inspection?

9 Q Yeah, this check it out process that Matt was doing.

10 A One more time say the whole -- the whole thing.

11 Q I'm just wondering if you reviewed before today the  
12 documents that were generated at Matt's request as part  
13 of the check it out process back in 2022?

14 A I believe so. I --

15 Q Okay.

16 A -- believe I have seen those.

17 Q Okay. And do you recall that Matt's work involved over  
18 60 plants?

19 A It may have. I'm not --

20 Q Do you have --

21 A -- I'm not sure.

22 Q -- 60 plants that make fifth wheels?

23 A No, sir.

24 Q Is it possible that you told Matt to include all plants  
25 that make travel trailers, both travel and fifth wheel

1 and --

2 MR. HAYDEN: Objection.

3 Q (BY MR. TURNER) -- bumper --

4 MR. HAYDEN: Objection. Form to what is  
5 possible.

6 A I do not recall. I don't --

7 Q (BY MR. TURNER) Okay.

8 A -- recall telling him to do that or not. I know I  
9 specifically wanted him to look at fifth wheels. We may  
10 have discussed more than that.

11 Q Okay. So you can't exclude the fact that you may have  
12 told Matt to include travel trailers as well as fifth  
13 wheels?

14 MR. HAYDEN: Objection. Form. Calls for  
15 speculation.

16 A That's not outside the realm of possibility.

17 Q (BY MR. TURNER) Okay. Now, did you advise, tell or  
18 communicate to anyone else that you were having -- anyone  
19 else within the company that you were having Matt do this  
20 process of checking things out at the plants?

21 MR. HAYDEN: Objection. Form. Compound.

22 A I do not recall.

23 Q (BY MR. TURNER) Do you recall if you told the president?

24 A That I was having Matt do it?

25 Q Yes.

1     **A**     **I don't recall telling him that.**

2     **Q**     Do you recall telling the president that you were going  
3           to check out what was going on at the plants relating to  
4           the Complaint about the charge line?

5     **A**     **Yes, I -- I told the president that I was going to look**  
6           **into it.**

7     **Q**     Okay. Did you tell anybody outside the company that you  
8           were going to look into this?

9     **A**     **Outside of Forest River?**

10    **Q**     Yes.

11    **A**     **I do not recall that.**

12    **Q**     For instance, independent monitors, lawyers, anyone else?

13                 MR. HAYDEN: Objection. Do, do not disclose  
14           discussions you had with attorneys.

15                 MR. TURNER: I'm not asking him to disclose  
16           discussions. I'm asking him did you tell anybody outside  
17           the company?

18                 MR. HAYDEN: You just asked about lawyers. Do  
19           not disclose any conversations you had with attorneys.  
20           Those are attorney/client privileged communications.

21    **A**     **Yeah, just -- I'm trying to remember. I, I do not**  
22           **remember who I may or may not have spoke to about it. I**  
23           **-- all I remember -- I clearly remember talking to Matt**  
24           **and my president.**

25    **Q**     (BY MR. TURNER) Did you order Matt to do this work at

1 the various plants after you received the lawsuit papers?

2 **A Did I order Matt to do this after I -- we got the --**  
3 **yeah, the, the -- this case is what prompted me to look**  
4 **at the fifth wheel charge line wiring.**

5 Q Did you -- had you already passed the lawsuit papers on  
6 to the legal office or the people that handle the legal  
7 process?

8 **A There was no legal office giving me any of this. I -- it**  
9 **showed up on my desk one day, and I talked to the**  
10 **president.**

11 Q And did the president commun -- what did the president  
12 tell you when you brought this to him that day?

13 **A He said, go check it out.**

14 Q And did he -- did the president indicate to you you need  
15 to get the permission of the lawyers to check it out  
16 first?

17 MR. HAYDEN: Objection.

18 **A I don't recall him ever saying that.**

19 Q (BY MR. TURNER) Did it ever occur to you that you might  
20 need to check in with the lawyers before you did this?

21 MR. HAYDEN: Objection. Attorney/client  
22 privileged communication. Don't answer that question.

23 MR. TURNER: I'm not asking to communicate --

24 Q I'm saying did it ever occur to you that you needed to  
25 communicate with a lawyer, since a lawsuit was filed,

1 before you did this check it out process?

2 MR. HAYDEN: And I'm instructing him not to  
3 answer that question. Attorney/client privilege.

4 Q (BY MR. TURNER) Did you ever talk to the attorneys about  
5 this procedure that you had Matt doing back in 2022?

6 MR. HAYDEN: Objection. Attorney/client  
7 privilege. Instruct you not to answer that question.

8 Q (BY MR. TURNER) Now, Mr. Hayden has represented to the  
9 Court that neither he nor your attorneys at the company  
10 were aware of this survey that was ongoing in 2022 after  
11 this lawsuit was filed. To the best of your knowledge,  
12 is that an accurate statement?

13 MR. HAYDEN: Objection. Instruct the witness  
14 not to answer. Attorney/client privilege.

15 A Pardon me?

16 Q (BY MR. TURNER) Well, let me put it up on the screen for  
17 you. Hold on a second. Okay. We are looking at a  
18 hearing transcript -- I believe this is page 13.

19 MR. TURNER: And, Mr. Hayden, I -- I have  
20 highlight it for you.

21 Q Mr. Akin, Mr. Hayden represented there was a 2022 survey.  
22 You see where I got the word survey from now?

23 A Yes, sir, I see that.

24 Q Okay. Is it okay if we call it survey from now on?

25 A I, I'm okay if you call it survey now that I --

1 Q Okay.

2 A -- understand that.

3 Q There was a 2022 survey that was done. No, we as counsel  
4 did not know about. But it was done internally. After  
5 they received this Complaint, they did they -- what they  
6 thought was a competent survey of. And then the Court  
7 says, after Forest River received a complaint?

8 Mr. Hayden said, yes. And Mr. Hayden continued, not  
9 before the Plaintiff's allegations. It was after his  
10 allegations they did this survey. They thought it was a  
11 competent -- I think that's supposed to be confidential  
12 business survey. We didn't know about it. When it came  
13 up in discovery in a deposition of a Forest River witness  
14 we turned around and produced it hours after the  
15 deposition. Now, my question to you is, is that an  
16 accurate summary to the best of your recollection?

17 MR. HAYDEN: Objection. Attorney/client  
18 privilege. Instruct the witness not to answer.

19 Q (BY MR. TURNER) Okay. Let's continue on. Mr. Hayden  
20 represented that it shows that two plants that  
21 manufacture fifth wheels, Cedar Creek and Impression, may  
22 have had a manufacturing or assembly issue, the same  
23 wiring issue that is the subject of the recall. Is that  
24 an accurate statement of what you found?

25 A Shows the two plants -- when it says it shows, what is it



1           **showing? What is it?**

2       Q       The survey.

3       A       It shows that the two plants --

4                       **THE WITNESS: I can answer?**

5                       MR. HAYDEN: Yes.

6       A       **Yes, I believe that's accurate.**

7       Q       (BY MR. TURNER) Okay. Now, let's continue on down --  
8               couple more questions about this. Now we are on page 16.  
9               It says -- Mr. Hayden says, we learned about the 2020  
10              survey during a deposition of one of the witnesses, Your  
11              Honor. I believe it was Rodney Smith. Now, do you know  
12              Rodney Smith?

13      A       **I do.**

14      Q       Was -- who was Mr. Smith back in 2022?

15      A       **Who was he?**

16      Q       Yes. What did he do for you?

17      A       **Oh, he is a standards manager is what we call them today.**  
18               **I think back then they were called quality managers, but**  
19               **a standards manager.**

20      Q       Had -- did you have any conversations with Rodney Smith  
21               back in 2022 about this survey?

22      A       **Not that I recall.**

23      Q       Do you recall if he worked for Matt Gingerich?

24      A       **Yes, sir. Yes, sir.**

25      Q       He did?

1     **A     Yes, sir.**

2     Q     Do you know whether Rodney was personally involved in the  
3           survey?

4     **A     I, I believe so. I'm not 100 percent sure. I wasn't in**  
5           **the day-to-day on that.**

6     Q     All right. Now, the Court asked the question -- now we  
7           are on page 17 -- did the survey cover only fifth wheels?  
8           And Mr. Hayden said, no, it covered travel trailers and  
9           actually campers. Do you see that?

10    **A     I do.**

11    Q     Is that accurate to the best of your recollection?

12    **A     I honestly do not recall. I know I --**

13    Q     And --

14    **A     -- I know it covered fifth wheels.**

15    Q     And if it did cover travel trailers and actual campers,  
16           why would you have instructed Matt to look at the charge  
17           lines on those as well?

18                   MR. HAYDEN: Objection. Form. Assumes facts.

19    **A     I don't recall asking Matt to do that.**

20    Q     (BY MR. TURNER) Well, I understand. But if Mr. Hayden  
21           represented accurately that the survey covered travel  
22           trailers and actual campers as well, is there something  
23           common about the charge lines that would have told you to  
24           have Matt do that?

25                   MR. HAYDEN: Objection. Form.

1 A No, there -- it's a different -- it's a different system.  
2 It's -- I don't know why. Unless he was just looking to  
3 be thorough. He is a very thorough guy. I like him a  
4 lot.

5 Q Okay. Yeah, I liked him a lot when I met him as well.  
6 Seemed like a nice guy.

7 A Very good guy.

8 Q And then the Court asked, and the survey that showed  
9 problems, were these wiring problems consistent with the  
10 wiring problems identified in the Plaintiff's Complaints?  
11 And the response was, yes. Is that consistent with your  
12 recollection of the results of the survey?

13 A I mean, I wouldn't word it that way, but they are  
14 consistent, yes.

15 Q Okay. Now, I have to ask you this just from a practical  
16 standpoint to make sure the record is clear. This survey  
17 that we are talking about back in 2022, it was never done  
18 at the request of counsel, legal counsel, is that  
19 correct?

20 THE WITNESS: Can I answer?

21 Q Yes.

22 MR. HAYDEN: Oh, you are going to instruct the  
23 witness now? I think he is asking me that question.

24 MR. TURNER: Well, you didn't object.

25 Q So you can answer.

1 MR. HAYDEN: Yeah, no, I -- I object on  
2 attorney/client privilege grounds.

3 MR. TURNER: Now you can thank me for helping  
4 you.

5 Q Now, what allegations do you recall were made in the  
6 Complaint that prompted you to have Matt conduct this  
7 survey? What specific allegation?

8 A The allegation that the -- the charge line shorted and  
9 melted.

10 Q Do you recall that the Complaint alleged that the unit  
11 lacked over-current protection?

12 A I believe I recall that, yes.

13 Q Do you -- do you recall that the Complaint alleged  
14 missing breakers?

15 A No, I don't recall that.

16 Q Do you recall that the Complaint alleged lack of wiring  
17 protection?

18 A Yes, I recall that.

19 Q And did you have Matt investigate whether that existed as  
20 part of this survey?

21 A That's what I wanted to know from the different  
22 divisions, how they were doing that, how they were  
23 routing it, how they were protecting it, yes.

24 Q And do you recall that the Complaint also alleged a lack  
25 of appropriate strain relief?

1     **A**       **That seems familiar to me.**

2     **Q**       And is that part of the survey that you wanted Matt  
3               conducting?

4     **A**       **The simplest way to put it is I wanted to know how the**  
5               **different divisions were doing it.**

6     **Q**       Now, do you recall, Mr. Akins, approximately when this  
7               survey was completed back in 2022?

8     **A**       **I do not recall.**

9     **Q**       Do you recall whether it took a week, two weeks, two  
10              months?

11    **A**       **I do not recall.**

12    **Q**       And what do you recall Matt coming back and telling you?

13    **A**       **I recall him talking to me about Cedar Creek and**  
14              **Impression, but I don't remember the specifics.**

15    **Q**       So the only thing as you sit here in 2025 that you can  
16              recall Mr. Gingerich reporting back to you from the  
17              survey was something about Cedar Creek and something  
18              about Impression?

19    **A**       **Well, how they -- which -- their placement of the wires**  
20              **on the over-current protection provided.**

21    **Q**       And what was it that he described for you?

22    **A**       **I believe he said that they were switched.**

23    **Q**       What was switched?

24    **A**       **The -- there is two lugs on a over-current protection,**  
25              **and the -- the battery was on the -- I forget if it was**

1 top or bottom, but they were switched on those.

2 Q So there were two plants that were doing it wrong?

3 A Doing it different than it should -- than we wanted it to  
4 be.

5 Q Was that something different than wrong?

6 A That's not how we wanted it to be, I guess is the best  
7 way to say it.

8 Q Okay. Well, did you inform the National Highway Traffic  
9 Safety Administration --

10 A No, sir.

11 Q -- of your findings?

12 A No, sir.

13 Q Did you make the decision not to?

14 A I didn't make a decision to or not to. It was not  
15 something that we would normally report.

16 Q So it just never occurred to you?

17 A No, it's not that it didn't occur to me. It's not  
18 something that we would report.

19 Q Did it occur to you that you might need to report that to  
20 the Government?

21 A I'm not -- it's, it's not something that we would report.  
22 I mean, I'm not sure how to answer that question.

23 Q Well, did you immediately take the problem to the office  
24 of corporate compliance and identify the problem that you  
25 had seen from Cedar Creek and Impression?

1 MR. HAYDEN: Objection. Form.

2 A I don't recall talking to the office of corporate  
3 compliance on that.

4 Q (BY MR. TURNER) What did you do to determine how long  
5 this had been done wrong at the Cedar Creek and  
6 Impression factories?

7 MR. HAYDEN: Objection. Form.

8 A I don't understand the question. Could you please  
9 rephrase it?

10 Q (BY MR. TURNER) Sure. Mr. Gingerich comes back and  
11 tells you, hey, the Cedar Creek and the Impression plant  
12 are not doing these like they are supposed to, correct?

13 A Not the way we would like to see it, right.

14 Q And how long had they not been doing it like they were  
15 supposed to?

16 A I, I don't recall. I don't remember that.

17 Q Did you ask Matt how long have they been doing this like  
18 this?

19 A I may have. I don't recall.

20 Q Did Matt have an answer?

21 A I, I -- I don't recall.

22 Q Did it ever occur to you that it might be important to  
23 know how long they have been doing it the wrong way?

24 MR. HAYDEN: Objection. Form.

25 A Not necessarily.

1 Q (BY MR. TURNER) Why?

2 A There is -- if there is not a risk to safety, then that  
3 -- just change it the way we want it and move on.

4 Q What's the risk of doing it the way they were doing it  
5 wrong?

6 A I'm unaware of the risk of that.

7 Q Well, what's the whole purpose of doing it the right way?

8 A Well, the way that we would like it? On the -- on the --  
9 for the wiring of the charge line? Is that if -- the  
10 risk would be is if the over-current protection wouldn't  
11 properly work. And there is no evidence that it doesn't  
12 properly work the way it was wired.

13 Q Oh, so even the way it was miswired you thought  
14 over-current protection would still be in place?

15 A Yeah, we have no evidence suggesting otherwise.

16 Q Is that what Matt told you?

17 A No, that is not what Matt told me. I don't remember what  
18 Matt told me. That's what I'm saying.

19 Q How did you reach that conclusion?

20 A All of our data that suggests that it doesn't -- it works  
21 both ways.

22 Q What data?

23 A The data that we have from all the units that we built.

24 Q When you say data, what are you referring to?

25 A Warranty data.



1 Q So you went back and looked at the warranty data?

2 A I didn't go back and look at it. I don't have a trend  
3 that comes to mind that we have a -- a issue with it.

4 Q What's a trend mean?

5 A A trend would be a collection of data that would give you  
6 data points that suggest -- to make a suggestion.

7 Q Did you go look to see whether a trend existed in the  
8 data?

9 A I didn't specifically go look.

10 Q Did you talk with anybody?

11 A I do not recall.

12 Q Did you -- did it occur to you that you might want to do  
13 a data review of that?

14 MR. HAYDEN: Objection. Form.

15 A If I had -- if I had sufficient cause to do that, I would  
16 do that.

17 Q (BY MR. TURNER) What would be sufficient cause?

18 A Enough data points brought up to my attention that would  
19 say -- that would lead me to that.

20 Q What's enough data points? Two fires, three, five,  
21 ten --

22 A Any, any --

23 Q -- how many?

24 A -- any, any is enough. Any amount is enough, one --

25 Q Any --

1     **A**       -- one is enough.

2     **Q**       -- any fire -- I'm sorry, go ahead.

3     **A**       One would be enough to make me look.

4     **Q**       Okay. So one fire related to lack of over-current  
5       protection would be sufficient to do a full blown look?

6     **A**       No, I -- I never said that. Would make me look, not a  
7       full blown look.

8     **Q**       What's the difference between look and a full blown look?

9     **A**       We have many divisions. I mean, I'm not going to analyze  
10      every single division for one division doing a thing. I  
11      will look at that division.

12               MR. TURNER: Is everybody getting feedback?  
13      I'm getting some feedback?

14               COURT REPORTER: Yes.

15               **THE WITNESS: Yes, feedback.**

16               MR. COWAN: Somebody has got a background sound  
17      going on or something.

18               MR. TURNER: Yeah, somebody needs to put on  
19      mute. Somebody has people in the background it sounds  
20      like.

21               THE VIDEOGRAPHER: Looks like Papageorge has  
22      something going on in the background.

23               MR. PAPAGEORGE: I don't have anything going on  
24      in the background, disagree. You want to tell me what I  
25      have going on in the background?

1 MR. TURNER: I think he was -- meaning he sees  
2 people walking by.

3 THE VIDEOGRAPHER: I can see the microphone has  
4 something going on with it.

5 MR. TURNER: Hey, Mr. Akins, why don't we take  
6 a bathroom break while these guys figure this out, okay?

7 **THE WITNESS: Yes, sir. Thank you.**

8 MR. TURNER: All right. You bet.

9 THE VIDEOGRAPHER: We are off the record. And  
10 the time is 12:23 p.m.

11 (A brief recess was taken).

12 THE VIDEOGRAPHER: We are back on the record.  
13 And the time is 12:33 p.m.

14 Q (BY MR. TURNER) Okay, Mr. Akin, we are on our home  
15 stretch here. Let's -- when we broke, we were talking  
16 about the number of fires. And I believe you told me  
17 that one fire related claim would be sufficient to  
18 warrant action. Did I understand that correctly?

19 A In the context that we were talking, you had say -- you  
20 said, how many would it take? And it could be one. It  
21 could be whatever the number is. It all depends on the  
22 circumstances.

23 Q Okay. Now, how many Cedar Creek and Impression RVs left  
24 the factory with the wiring not as the company intended  
25 for it to be? Were you able to determine that?